

Hazlewood served the citation on Netflix's registered agent on April 18, 2023. Netflix now removes the case to this court on diversity jurisdiction grounds and because all requirements of removal jurisdiction are met.

II. THE FACE OF THE PETITION CONFIRMS THAT THIS COURT HAS SUBJECT-MATTER JURISDICTION OVER THIS ACTION UNDER 28 U.S.C. § 1332.

Removal is proper here because the Court has diversity jurisdiction over this action. Diversity jurisdiction exists when the amount in controversy exceeds \$75,000 and there is "complete diversity between all named plaintiffs and all named defendants, and no defendant is a citizen of the same forum State." *Lincoln Prop. Co. v. Roche*, 126 S. Ct. 606, 610 (2005) (construing 28 U.S.C. § 1332(a)). Both requirements are met here.

Here, "Hazlewood seeks monetary relief over \$1,000,000."³ The face of Hazlewood's petition thus confirms that the amount-in-controversy requirement is met. *E.g., Acker v. Prospect Airport Servs., Inc.*, No. 1:21-CV-8-LY, 2020 WL 2695133, at *2 (W.D. Tex. Mar. 24, 2021).

The face of Hazlewood's petition also confirms that the parties are completely diverse. Hazlewood admits in his petition that "at all material times, he is and was a citizen . . . of the State of Kentucky."⁴ Hazlewood's petition admits further that Netflix is *not* a Kentucky citizen because, as Hazlewood concedes, "Netflix, Inc. is a corporation organized and existing under the laws of the State of Delaware and has its principal place of business in California." As Hazlewood therefore concedes, Netflix is a citizen of Delaware and California because, under 28 U.S.C. § 1332(c)(1), corporations like Netflix are deemed citizens of every state "by which it has been incorporated and of the State where it has its principal place of business." *Id.* (cleaned

³ App'x at 002 (Pet. ¶6).

⁴ App'x at 002 (Pet. ¶7) (cleaned up).

up). The complete diversity requirement is therefore satisfied which makes removal proper under 28 U.S.C. § 1441.

III. NETFLIX HAS SATISFIED ALL PREREQUISITES FOR REMOVAL

Netflix's removal of this action is timely because Netflix filed its notice within 30 days of the date Hazlewood served Netflix with process. *See* 28 U.S.C. § 1446(b). Netflix's removal is also procedurally proper because Netflix has attached to its notice all of the documents required under 28 U.S.C. § 1446(a) and the Court's local rules (e.g., true and correct copies of all process, pleadings, orders, and other documents on file in the state court).

Netflix also served copies of this notice and its attachments on Hazlewood's counsel, and concurrently filed a notice with the state court clerk in the state court action of this action's removal as 28 U.S.C. § 1446(d) requires. Netflix has therefore satisfied all requirements for removal and for this Court's exercise of removal jurisdiction.

WHEREFORE, Netflix removes this case from the District Court of Dallas County, 191st Judicial District, to the United States District Court for the Northern District of Texas.

Date: May 15, 2023

Respectfully submitted,

/s/ Joshua J. Bennett

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COUNSEL FOR NETFLIX, INC.

DC-23-04695

CAUSE NO. _____

| | | |
|---------------------------------------|---|--------------------------|
| TAYLOR HAZLEWOOD, an individual |) | IN THE DISTRICT COURT OF |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | DALLAS COUNTY, TEXAS |
| |) | |
| NETFLIX, INC., a Delaware Corporation |) | 191st |
| |) | |
| Defendant. |) | _____ JUDICIAL DISTRICT |

**ORIGINAL PETITION FOR (1) DEFAMATION AND
(2) MISAPPROPRIATION OF LIKENESS OR RIGHT OF PUBLICITY**

Plaintiff Taylor Hazlewood (“Hazlewood”) files this action against Netflix, Inc. (“Netflix”) and alleges as follows:

SUMMARY OF THE ACTION

1. Netflix promoted and published the documentary “The Hatchet Wielding Hitchhiker” (the “Film”) in early 2023. The Film inappropriately used Hazlewood’s photograph and depicts him in a sinister and defamatory light.

2. Specifically, photographs of Hazlewood, which were extracted from his personal Instagram page without his permission, are placed with audio stating “stone-cold killer,” with text captions stating that “You can never trust anyone,” and with pictures of Caleb Lawrence McGillvary, a hitchhiker made infamous because of his brutal murder of Joseph Galfy.

3. Mr. Hazlewood is not connected, in any way, to Mr. McGillvary or his story, and Netflix’s use of Hazlewood’s photograph in the Film is inappropriate, misleading, and defamatory.

4. Netflix’s use of Hazelwood’s likeness has caused him reputational harm, stress, anxiety, and anguish. Further, the use causes Hazelwood a constant fear of losing future employment or relationships because of people believing he is dangerous or untrustworthy.

DISCOVERY CONTROL PLAN

5. Pursuant to Texas Rule of Civil Procedure 190.1, Hazelwood intends to conduct discovery under Level 3 and requests that a Discovery Control Plan be entered by the Court pursuant to Rule 190.4.

CLAIM FOR RELIEF

6. Plaintiff seeks monetary relief over \$1,000,000.

JURISDICTION

7. At all material times, Hazlewood is and was a citizen and resident of the State of Kentucky.

8. Defendant Netflix, Inc. is a corporation organized and existing under the laws of the State of Delaware and has its principal place of business in California. It is a media giant whose programming is available word-wide with 74 million subscribers in the USA and over 200 million worldwide and total revenues of almost \$30 billion in 2021.

9. This Court has jurisdiction over this case because the amount in controversy is within the Court's jurisdictional limits, and Netflix's wrongful conduct occurred in all fifty states, including Texas.

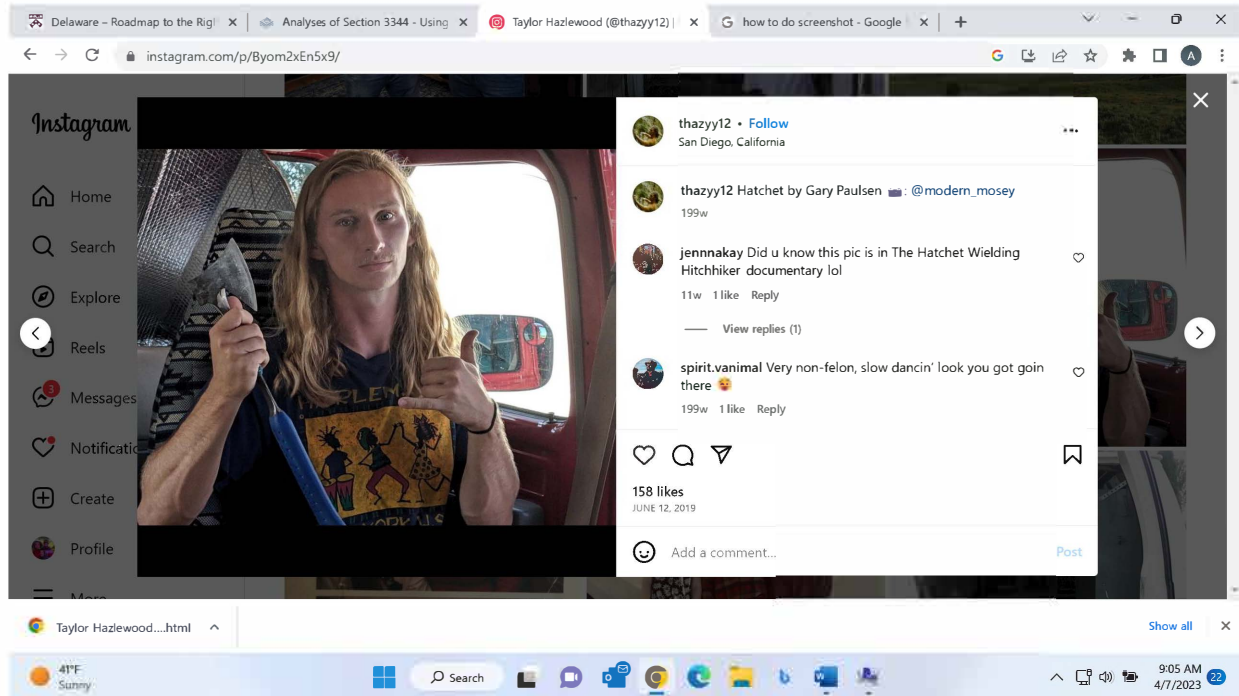
FACTS

10. Hazelwood is not a public figure. He is also not a social media influencer. Indeed, Hazelwood has less than 900 followers on Instagram, and he has only made 231 posts in his lifetime.

11. At all times relevant to this lawsuit, Hazelwood has been a well-respected member of his community and works as a respiratory therapist in the neonatal ICU.

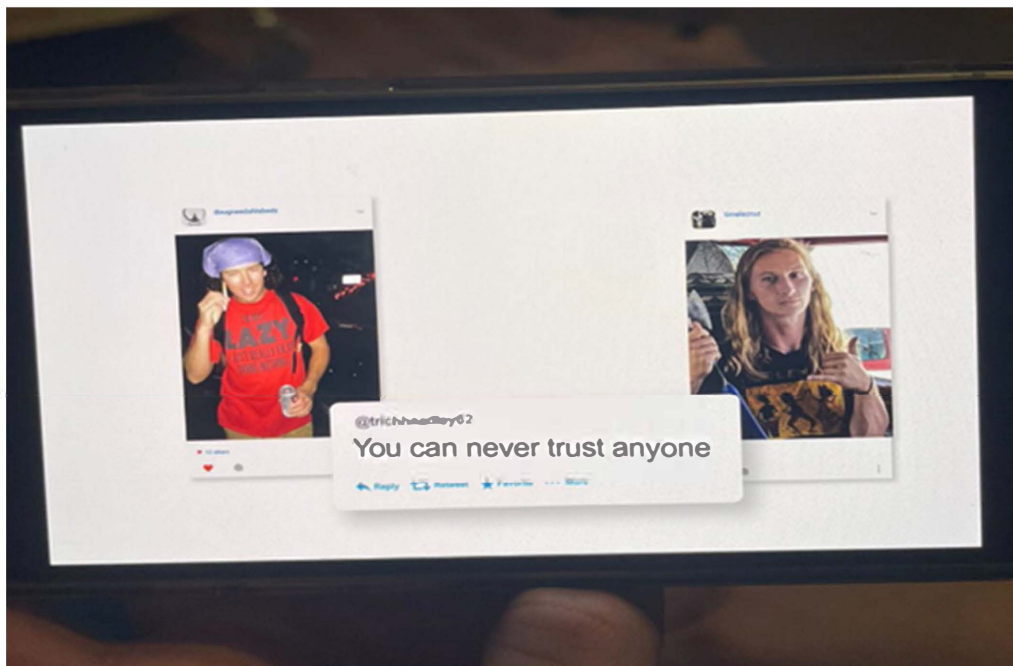
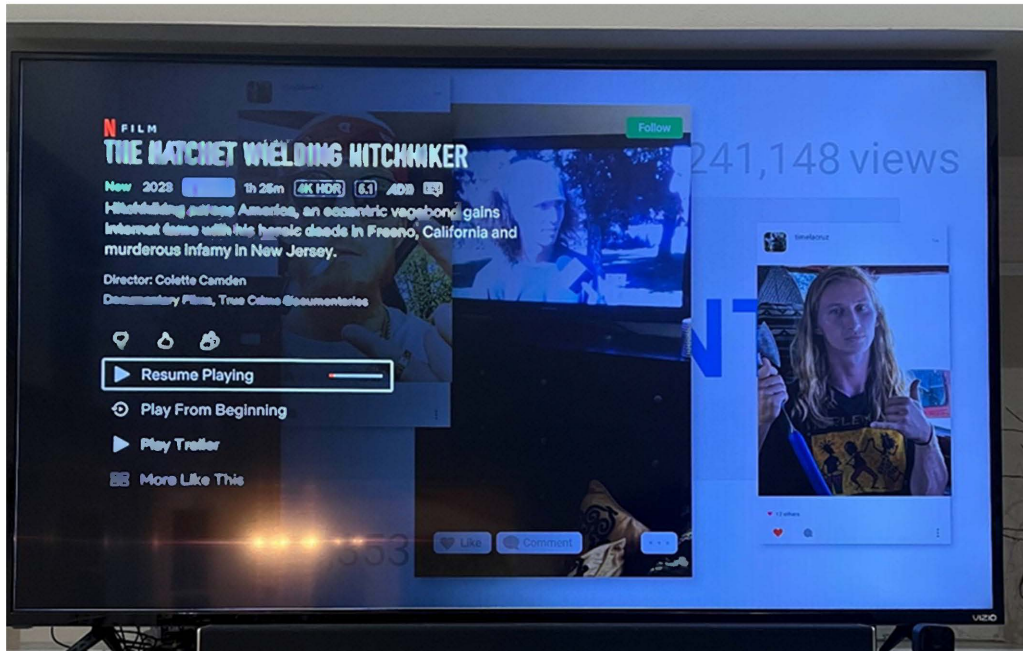
12. In or around June of 2019, Hazelwood was spending time with a friend, when he saw his friend's hatchet, which reminded Hazelwood of his favorite childhood book, "Hatchet" by

Gary Paulsen. Hazelwood decided to take a picture with the tool and post it on his personal Instagram page. Hazelwood posted the picture with the caption “Hatchet by Gary Paulsen” (the “Hazelwood Photograph”). The original photograph and posting is below:



13. On January 12, 2023, Netflix released the Film, a true crime story chronicling Mr. McGillvary’s ascent to viral stardom and his steep downward spiral that ended with him committing murder, being convicted of murder, and being imprisoned.

14. Without any reason, other than pure recklessness, Netflix misappropriated the Hazelwood Photograph and used it in two separate parts of the Film. Clips from the Netflix website and the Film, which contain the Hazelwood Photograph, are below:



15. Immediately before showing the Hazelwood Photograph for the second time—towards the end of the Film—the Film details how horrific and senseless Mr. Galfy’s murder was, and the Film pulsates with a menacing and dangerous mood. The narrator then states, “Is this a guardian angel or a stone-cold killer.” The phrase “stone-cold killer” hangs in the air with the Hazelwood Photograph.

16. In or around January 20, 2023, one of Hazelwood's friends alerted him to the fact that Netflix was using the Hazelwood Photograph in the Film. At first, Hazelwood did not understand the implications of this fact. But after receiving many more questions about his involvement with the Film, and watching the Film himself, Hazelwood became aware of how damaging this unauthorized publicity was.

17. Indeed, despite having no connection to any aspect of the Film, Hazlewood's professional colleagues, friends, and family have seen the Film and have contacted him with questions about his involvement with Mr. McGillvary and his highly public murder of Joseph Galfy. Below is a sample of the some of the written communications Hazelwood received following the Film's release:

- Terry Rowe: Friend, lives in Kentucky
 - What is happening here?
 - So something not so chill happens later in the documentary. Youre picture shows up again after hes charged with murder and its just bad vibes
 - Yea man, it makes it seem like you need a vibe check
- Steven Penava: Former Coworker, lives in California
 - Bro wtf, are you in that?
- McKenzie Reynolds: Coworker and Nicu Nurse, lives in Kentucky
 - Okay this is really weird but Liv and I watched this Netflix documentary and they're using your Instagram picture on the movie
- Jackson Browning: Friend, lives in Kentucky
 - Did they ask for permission?
- Lilly Weber: Friend, lives in Kentucky
 - How did they get your image?
- Jonathan Stocking: Former Coworker/Friend, lives in Ohio
 - Holy shit have you seen this?
 - They put your picture up with a murderer lol
 - They even blur some peoples faces in the doc too, wonder why they wouldnt do yours
 - Im shocked they didn't ask for a release. Prayers that your employer is okay with it

- Megan Parsley: Friend, lives in Kentucky
 - Are you kidding? Did you not know you were going to be in it?
- Jacob Rodriguez: Former Coworker, lives in Kentucky
 - And you're holding a hatchet...
- Francesca Huber: Friend, lives in Kentucky
 - I'm actually watching this documentary right now, is this you?
- Valeria Victoria: Friend, lives in Virginia
 - Why are you on Netflix?
- Spencer Johnson: Friend, lives in Kentucky
 - Wtf? Explain please
- Elijah Keene: Friend, lives in Kentucky
 - Have you seen the hatchet wielding hitchhiker documentary on Netflix?
 - Dyland Ford texted me asking about it and did you know you were going to be in it?
- Nick Imhoff: Friend, lives in Ohio
 - I've been meaning to ask you, why are you on that Netflix thing?
- Allie Cahill: Friend, lives in Colorado
 - Hi long time no see. So I'm watching this documentary and I'm like wait, I know that guy. That's Taylor
- Will: Friend, lives in Tennessee
 - Wtf is you doing on Netflix
- Josh Adwell: Friend, lives in Indiana
 - Doesn't this Dude climb at Nulu? Yes that's Taylor
- Amanda Paige: Friend, lives in Hawaii
 - Dude this is so weird but I'm watching this murder documentary and they start flashing a bunch of people's pictures and I said that is Hazlewood. Did they steal your photo? How did you get on there?
- Lizzy Hill: Former Coworker, lives in Tennessee
 - What was the context your post was used in?
- Jason Osario: Friend, lives in Kentucky
 - WTF?
- Dustin Schindler: Former Employer, lives in Kentucky
 - Bro wtf, your picture is on a Netflix documentary

18. In addition to the foregoing written communications, many friends and acquaintances have verbally communicated to Hazelwood about their confusion regarding his involvement with the film. For instance, Hazelwood's friend—Terry Rowe—told Hazelwood that he was having dinner with his mom and some of her friends, and he mentioned the documentary and the fact that Netflix put Hazelwood in it. Rowe's mom and her friends told Rowe that they thought that Hazelwood was either connected with Kai or that he was another infamous murder and that was why his picture was used.

19. Hazlewood's reputation has clearly been tarnished. There are many acquaintances who will see Hazelwood's photograph in the Film and will assume the worst without contacting Hazlewood to get the truth. Not only has Hazlewood suffered damage to his reputation, but he will continue to have his reputation tarnished if the Film is available to the public.

20. Hazlewood is, of course, beyond angry that Netflix would implicate and connect him to such a salacious and infamous story and individual. Netflix's use of his image has caused him enormous emotional distress and has done untold damage to his reputation. Mr. Hazelwood's relationships have been affected, and he has a constant fear that he will be improperly judged and avoided due to Netflix's connection of him to the Film.

21. Hazlewood also experiences a constant fear of future lost employment because he works on a contract basis and travels to low staffed hospitals in pediatric medicine where reputation and character are of paramount importance. Mr. Hazelwood's contracts generally last from three to six months, so he is constantly being reviewed and judged by strangers for new employment.

22. Separate from Netflix's conduct being defamatory, Netflix's unauthorized use of Hazlewood's photograph also constitutes a false light invasion of privacy and is a breach of Texas

law, which recognizes that all individuals have property rights in their name and likeness that are entitled to protection from commercial exploitation. Netflix did not obtain Hazlewood's permission to use his picture in the Film, and it has unfairly profited from its use of his picture.

COUNT I
Defamation

23. Hazelwood incorporates by reference, as if set forth fully herein, all previous paragraphs of this Petition.

24. For this cause of action, Hazelwood must plausibly allege that Netflix was negligent in causing the Film to include a false and defamatory assertion of fact about Hazelwood.

25. Here, the use of Hazelwood's photograph, in the Film, with the caption "you can never trust anyone," the audio "stone-cold killer," and alongside photographs of Mr. McGillvary when he was being convicted of murder clearly has the defamatory meaning of stating that Hazelwood is untrustworthy and somehow like the convicted murder—Mr. McGillvary.

26. The harm that Netflix caused to Hazelwood has been extraordinary. The Film has been viewed by tens of thousands of people, and as a result of Netflix's false portrayal of him as, dangerous, as a murderer, and/or as an untrustworthy person, he has been subjected to personal distress, anguish and reputational harm.

27. Netflix's conduct as described herein was negligent. Further, such conduct was unauthorized and oppressive, and it entitles Hazelwood to an award of punitive damages in an amount appropriate to punish or set an example of Netflix in an amount to be determined at trial.

COUNT II
Misappropriation of Likeness or Right of Publicity

28. Hazelwood incorporates by reference, as if set forth fully herein, all previous paragraphs of this Petition.

29. Netflix used the Hazelwood Photograph without Hazelwood's consent for a commercial purpose. Specifically, Netflix used the Hazelwood Photograph as content in the Film, which it marketed and profited from. The use was not incidental. Instead, it was Netflix's employees' negligently searching for images of people holding hatchets to support their narrative regarding the public's worship and mimicry of Mr. McGillvary.

30. Netflix's unauthorized use of the Hazelwood Photograph constitutes a misappropriation of Hazelwood's likeness.

31. As a direct and proximate result of Netflix's misappropriation, Hazelwood suffered reputation harm, anxiety, stress, and anguish.

CONDITIONS PRECEDENT

32. All conditions precedent to Plaintiff's claim for relief have been performed or have occurred.

DEMAND FOR JURY TRIAL

33. Hazelwood hereby demands trial by jury on all issues triable by a jury.

PRAYER FOR RELIEF

WHEREFORE, Hazelwood prays THAT THIS Court issue citation for Defendant to appear and answer, and that he be awarded a judgment against Defendant for the following:

1. For general and special damages;
2. For punitive damages;
3. Pre and post judgment interest;
4. For costs of suit; and
5. For such other and further relief to which the Court deems just and proper.

Respectfully submitted,

/s/ Angela M. Buchanan

Angela M. Buchanan

State Bar No. 24059213

PHILLIPS MURRAH P.C.

3710 Rawlins St., Ste. 900

Dallas, Texas 75219

Tel: (469) 485-7341

Facsimile: (214) 434-1370

ambuchanan@phillipsmurrah.com

ATTORNEY FOR PLAINTIFF

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Trent Jenkins on behalf of Angela Buchanan
 Bar No. 24059213
 ltjenkins@phillipsmurrah.com
 Envelope ID: 74480868
 Filing Code Description: Original Petition
 Filing Description:
 Status as of 4/12/2023 5:47 PM CST

Associated Case Party: Taylor Hazelwood

| Name | BarNumber | Email | TimestampSubmitted | Status |
|---------------------|-----------|----------------------------------|----------------------|--------|
| Wanda Stephens | | wastephens@phillipsmurrah.com | 4/10/2023 1:59:37 PM | SENT |
| Angela M.Buchanan | | ambuchanan@phillipsmurrah.com | 4/10/2023 1:59:37 PM | SENT |
| Charli KPierrelouis | | ckpierrelouis@phillipsmurrah.com | 4/10/2023 1:59:37 PM | SENT |
| Trent Jenkins | | ltjenkins@phillipsmurrah.com | 4/10/2023 1:59:37 PM | SENT |

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

**To: NETFLIX, INC.
BY SERVING ITS REGISTERED AGENT THE CORPORATION TRUST COMPANY
1209 ORANGE STREET
WILMINGTON, DE 19801**

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and ORIGINAL PETITION FOR (1) DEFAMATION AND (2) MISAPPROPRIATION OF LIKENESS OR RIGHT OF PUBLICITY, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the **191st District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **TAYLOR HAZELWOOD**

Filed in said Court **10th day of April, 2023** against

NETFLIX, INC.

For Suit, said suit being numbered **DC-23-04695**, the nature of which demand is as follows:
Suit on **DEFAMATION** etc. as shown on said petition, a copy of which accompanies this citation.
If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office this 14th day of April, 2023.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By _____, Deputy
ANGELA CONEJO



ESERVE

CITATION

DC-23-04695

TAYLOR HAZELWOOD

vs.

NETFLIX, INC.

**ISSUED THIS
14th day of April, 2023**

**FELICIA PITRE
Clerk District Courts,
Dallas County, Texas**

By: ANGELA CONEJO, Deputy

**Attorney for Plaintiff
ANGELA M. BUCHANAN
PHILLIPS MURRAH, PC
3710 RAWLINS STREET, SUITE 900
DALLAS, TEXAS 75219
469-485-7341**

ambuchanan@phillipsmurrah.com

**DALLAS COUNTY
SERVICE FEES
NOT PAID**

OFFICER'S RETURN

Case No. : DC-23-04695

Court No.191st District Court

Style: TAYLOR HAZELWOOD

vs.

NETFLIX, INC.

Came to hand on the _____ day of _____, 20_____, at _____ o'clock _____M. Executed at _____,
within the County of _____ at _____ o'clock _____M. on the _____ day of _____,
20_____, by delivering to the within named _____

each in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by
me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ _____

For mileage \$ _____ of _____ County, _____

For Notary \$ _____ By _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said _____ before me this _____ day of _____, 20_____,
to certify which witness my hand and seal of office.

Notary Public _____ County _____

CAUSE NO. DC-23-04695**TAYLOR HAZELWOOD, an individual,****Plaintiff(s),****vs.****NETFLIX, INC., A Delaware Corporation,****Defendant(s).**§
§
§
§
§
§
§
§
§
§**IN THE DISTRICT COURT****191ST JUDICIAL DISTRICT****DALLAS COUNTY, TEXAS****RETURN OF SERVICE**

Came to my hand on **Monday, April 17, 2023 at 12:50 PM,**
 Executed at: **1209 ORANGE ST, WILMINGTON, DE 19801**
 at **2:45 PM,** on **Monday, April 17, 2023,** by delivering to the within named:

NETFLIX, INC.

by delivering to its **Registered Agent, THE CORPORATION TRUST COMPANY**
 by personally delivering to **Authorized Employee, ROBIN HUTT-BANKS**
 a true copy of this

**CITATION and ORIGINAL PETITION FOR (1) DEFAMATION AND (2)
MISAPPROPRIATION OF LIKENESS OR RIGHT OF PUBLICITY**

BEFORE ME, the undersigned authority, on this day personally appeared GILBERT DEL VALLE who after being duly sworn on oath states: "My name is GILBERT DEL VALLE. I am a person over eighteen (18) years of age and I am competent to make this affidavit. I am a resident of the State of Delaware. I have personal knowledge of the facts and statements contained in this affidavit and aver that each is true and correct. I am not a party to this suit nor related or affiliated with any herein, and have no interest in the outcome of the suit. I have never been convicted of a felony or of a misdemeanor involving moral turpitude."

By: **GILBERT DEL VALLE – Process Server**

Subscribed and Sworn to by GILBERT DEL VALLE, Before Me, the undersigned authority, on
this 17 day of April, 2023.



Notary Public in and for the State of Delaware

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

**To: NETFLIX, INC.
BY SERVING ITS REGISTERED AGENT THE CORPORATION TRUST COMPANY
1209 ORANGE STREET
WILMINGTON, DE 19801**

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and ORIGINAL PETITION FOR (1) DEFAMATION AND (2) MISAPPROPRIATION OF LIKENESS OR RIGHT OF PUBLICITY, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the **191st District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **TAYLOR HAZELWOOD**

Filed in said Court **10th day of April, 2023** against

NETFLIX, INC.

For Suit, said suit being numbered **DC-23-04695**, the nature of which demand is as follows:
Suit on **DEFAMATION** etc. as shown on said petition, a copy of which accompanies this citation.
If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office this 14th day of April, 2023.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By _____, Deputy
ANGELA CONEJO



ESERVE

CITATION

DC-23-04695

TAYLOR HAZELWOOD

vs.

NETFLIX, INC.

**ISSUED THIS
14th day of April, 2023**

**FELICIA PITRE
Clerk District Courts,
Dallas County, Texas**

By: ANGELA CONEJO, Deputy

**Attorney for Plaintiff
ANGELA M. BUCHANAN
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DALLAS, TEXAS 75219
469-485-7341**

ambuchanan@phillipsmurrah.com

**DALLAS COUNTY
SERVICE FEES
NOT PAID**

OFFICER'S RETURN

Case No. : DC-23-04695

Court No.191st District Court

Style: TAYLOR HAZELWOOD

vs.

NETFLIX, INC.

Came to hand on the _____ day of _____, 20_____, at _____ o'clock _____M. Executed at _____,
within the County of _____ at _____ o'clock _____M. on the _____ day of _____,
20_____, by delivering to the within named _____

each in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by
me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ _____

For mileage \$ _____ of _____ County, _____

For Notary \$ _____ By _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said _____ before me this _____ day of _____, 20_____,
to certify which witness my hand and seal of office.

Notary Public _____ County _____

RETURN / AFFIDAVIT
PROOF / ATTACHED

RETURN / AFFIDAVIT
PROOF / ATTACHED

CAUSE NO. DC-23-04695

| | | |
|---------------------------------------|---|--------------------------|
| TAYLOR HAZLEWOOD, an individual | § | IN THE JUDICIAL DISTRICT |
| | § | |
| Plaintiff, | § | |
| | § | |
| v. | § | DALLAS COUNTY, TEXAS |
| | § | |
| NETFLIX, INC., a Delaware Corporation | § | |
| | § | |
| Defendant. | § | 191st JUDICIAL DISTRICT |
| | § | |

**DEFENDANT NETFLIX, INC.'S ORIGINAL ANSWER TO
PLAINTIFF'S PETITION**

TO THE HONORABLE COURT:

Defendant Netflix, Inc. ("Defendant") files this Original Answer to Plaintiff's Original Petition, and in support, respectfully shows the Court as follows:

I. GENERAL DENIAL

1. Under Texas Rule of Civil Procedure 92, Defendant denies each and every claim Plaintiff has asserted and demands strict proof thereof.

II. Notice of Self-Authentication

2. Under Texas Rule of Civil Procedure 193.7, Defendant provides notice to all parties of their intent to use all documents produced by said parties in response to written discovery in all proceedings or trial of this cause of action.

III. Affirmative Defenses

3. Subject to and without waiving the above General Denial, Defendant asserts the following affirmative defenses, which on their own or in combination, bar Plaintiff's right to recover, in whole or in part, the same damages alleged in Plaintiff's Petition.

4. Plaintiff's claims as alleged in his petition fail to state a claim upon which relief can be granted.

5. Plaintiff's action should be dismissed under the doctrine of forum non conveniens. Plaintiff's petition identifies that Netflix, located in California, used Plaintiff's image taken in San Diego, California, in a way that caused him reputational harm, in Kentucky. He received communications from individuals in Kentucky, California, Ohio, Virginia, Colorado, Tennessee, Indiana, and Hawaii. There is no proposed connection to Texas, aside from the fact that the Netflix documentary at issue can be viewed in all fifty states. Texas is therefore an improper forum, and the case should be dismissed.

6. For the same reasons stated above, Plaintiff has not alleged any facts giving rise to venue in Dallas County under Texas Civil Practice and Remedies Code § 15.002. Dallas County is therefore an improper venue, and the case should be dismissed.

VI. PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant requests that all claims against it be dismissed, that Plaintiff take nothing on its claims against Defendant, and that the Court award Defendant its reasonable attorneys' fees and any other relief, both in law and at equity, to which it may show itself justly entitled.

Date: May 9, 2023

Respectfully submitted,

/s/ Joshua J. Bennett

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Dallas, Texas 75206
Telephone: 214-550-8188
Facsimile: 214-550-8185

COUNSEL FOR NETFLIX, INC.

CERTIFICATE OF SERVICE

This to certify that on this the 9th day of May 2023, a true and correct copy of the foregoing has been served upon counsel via an approved State of Texas e-Filing Service.

/s/ Joshua J. Bennett

Joshua J. Bennett

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Cathryn Hopkins on behalf of Joshua Bennett

Bar No. 24059444

chopkins@carterarnett.com

Envelope ID: 75460052

Filing Code Description: Original Answer - General Denial

Filing Description:

Status as of 5/9/2023 2:43 PM CST

Associated Case Party: TAYLOR HAZELWOOD

| Name | BarNumber | Email | TimestampSubmitted | Status |
|---------------------|-----------|----------------------------------|---------------------|--------|
| Trent Jenkins | | ltjenkins@phillipsmurrah.com | 5/9/2023 2:06:04 PM | SENT |
| Charli KPierrelouis | | ckpierrelouis@phillipsmurrah.com | 5/9/2023 2:06:04 PM | SENT |
| Angela M.Buchanan | | ambuchanan@phillipsmurrah.com | 5/9/2023 2:06:04 PM | SENT |
| Wanda Stephens | | wastephens@phillipsmurrah.com | 5/9/2023 2:06:04 PM | SENT |

Associated Case Party: NETFLIX, INC.

| Name | BarNumber | Email | TimestampSubmitted | Status |
|-------------------|-----------|---------------------------|---------------------|--------|
| Joshua Bennett | | jbennett@carterarnett.com | 5/9/2023 2:06:04 PM | SENT |
| Monica LittleGoff | | mgoff@carterarnett.com | 5/9/2023 2:06:04 PM | SENT |
| Cathryn Hopkins | | chopkins@carterarnett.com | 5/9/2023 2:06:04 PM | SENT |
| Linda Stahl | | lstahl@carterarnett.com | 5/9/2023 2:06:04 PM | SENT |
| Leon Carter | | lcarter@carterarnett.com | 5/9/2023 2:06:04 PM | SENT |

CAUSE NO. DC-23-04695

| | | |
|---------------------------------------|---|--------------------------|
| TAYLOR HAZLEWOOD, an individual | § | IN THE JUDICIAL DISTRICT |
| | § | |
| Plaintiff, | § | |
| | § | |
| v. | § | DALLAS COUNTY, TEXAS |
| | § | |
| NETFLIX, INC., a Delaware Corporation | § | |
| | § | |
| Defendant. | § | 191st JUDICIAL DISTRICT |
| | § | |

**DEFENDANT NETFLIX, INC.'S AMENDED ANSWER TO
PLAINTIFF'S PETITION**

Defendant Netflix, Inc. ("Defendant") files this Amended Answer to Plaintiff's Original Petition, and in support, respectfully shows the Court as follows:

I. GENERAL DENIAL

1. Under Texas Rule of Civil Procedure 92, Defendant denies each and every claim Plaintiff has asserted and demands strict proof thereof.

II. NOTICE OF SELF-AUTHENTICATION

2. Under Texas Rule of Civil Procedure 193.7, Defendant provides notice to all parties of their intent to use all documents produced by said parties in response to written discovery in all proceedings or trial of this cause of action.

III. AFFIRMATIVE DEFENSES

3. Subject to and without waiving the above General Denial, Defendant asserts the following affirmative defenses, which on their own or in combination, bar Plaintiff's right to recover, in whole or in part, the same damages alleged in Plaintiff's Petition.

4. Plaintiff's claims as alleged in his petition fail to state a claim upon which relief can be granted.

5. Plaintiff's claims as alleged in his petition should be dismissed for lack of specific personal jurisdiction.

6. Plaintiff's action should be dismissed under the doctrine of forum non conveniens. Plaintiff's petition identifies that Netflix, located in California, used Plaintiff's image taken in San Diego, California, in a way that caused him reputational harm, in Kentucky. He received communications from individuals in Kentucky, California, Ohio, Virginia, Colorado, Tennessee, Indiana, and Hawaii. There is no proposed connection to Texas, aside from the fact that the Netflix documentary at issue can be viewed in all fifty states. Texas is therefore an improper forum, and the case should be dismissed.

7. For the same reasons stated above, Plaintiff has not alleged any facts giving rise to venue in Dallas County under Texas Civil Practice and Remedies Code § 15.002. Dallas County is therefore an improper venue, and the case should be dismissed.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant requests that all claims against it be dismissed, that Plaintiff take nothing on its claims against Defendant, and that the Court award Defendant its reasonable attorneys' fees and any other relief, both in law and at equity, to which it may show itself justly entitled.

Date: May 10, 2023

Respectfully submitted,

/s/ Joshua J. Bennett

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COUNSEL FOR NETFLIX, INC.

CERTIFICATE OF SERVICE

This to certify that on May 10, 2023, a true and correct copy of the foregoing has been served upon counsel via an approved State of Texas e-Filing Service.

/s/ Joshua J. Bennett

Joshua J. Bennett

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Jordan Haynie on behalf of Joshua Bennett

Bar No. 24059444

jhaynie@carterarnett.com

Envelope ID: 75490462

Filing Code Description: Amended Answer - Amended General Denial

Filing Description: DEFENDANT NETFLIX, INC.S AMENDED ANSWER TO PLAINTIFFS PETITION

Status as of 5/10/2023 2:49 PM CST

Associated Case Party: TAYLOR HAZELWOOD

| Name | BarNumber | Email | TimestampSubmitted | Status |
|---------------------|-----------|----------------------------------|-----------------------|--------|
| Trent Jenkins | | ltjenkins@phillipsmurrah.com | 5/10/2023 10:43:02 AM | SENT |
| Charli KPierrelouis | | ckpierrelouis@phillipsmurrah.com | 5/10/2023 10:43:02 AM | SENT |
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